

TTAB

TRADEMARK
Docket No. 110.2*1/GJN/P622

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK TRIAL AND APPEAL BOARD

WALTERS GARDENS, INC.

Opposer,

v.

PRIDE OF PLACE PLANTS, INC.

Applicant.

Opposition No. 91153755

STIPULATED MOTION TO EXTEND APPLICANT'S TESTIMONY PERIOD

Applicant, Pride of Place Plants, Inc. ("PoPP") and Opposer, Walters Gardens, Inc. ("Walters"), through their respective counsel, have agreed to a two week extension of Applicant's testimony period. Accordingly, Opposer's counsel has authorized Applicant to move for this extension. With the Board's approval, the new dates will be as follows:

Testimony period for Applicant to close:

November 13, 2004

Rebuttal testimony period to close:

December 25, 2004

Applicant's testimony period is currently scheduled to close on October 30, 2004. However, prior to taking the testimonial deposition of Rick Sorensen, Mr. Sorensen indicated he had contracted a serious autoimmune disorder rendering him unable to attend his testimonial deposition. In order to allow Mr. Sorensen time to recover from his illness, Applicant requested Opposer's consent to a three month suspension of proceedings. Opposer did not agree to this suspension, prompting Applicant to file a motion for suspension of proceedings and a request for



11-01-2004

an emergency telephone hearing. This motion is currently pending before the Board. In a telephone conversation on Wednesday, October 27, 2004 with Applicant's counsel, Opposer's counsel stipulated to a two week extension of Applicant's testimony period to enable the parties to attempt resolution of Applicant's proposed three month suspension. In light of this, the parties hereby request approval of the requested extension.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date 10/27/2004

By Gary J. Nelson
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CERTIFICATE OF MAILING AND SERVICE

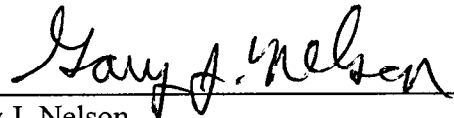
I certify that on October 27, 2004, the foregoing **STIPULATED MOTION TO EXTEND APPLICANT'S TESTIMONY PERIOD** is being deposited with the United States Postal Service by first-class mail addressed to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

It is further certified that on October 27, 2004, the foregoing **STIPULATED MOTION TO EXTEND APPLICANT'S TESTIMONY PERIOD** is being served by mailing a copy thereof by first-class mail addressed to:

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